

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

**ATTORNEY CASE OPENING INSTRUCTIONS**

**INCLUDING CHANGES MADE BY THE BANKRUPTCY ACT OF 2005**

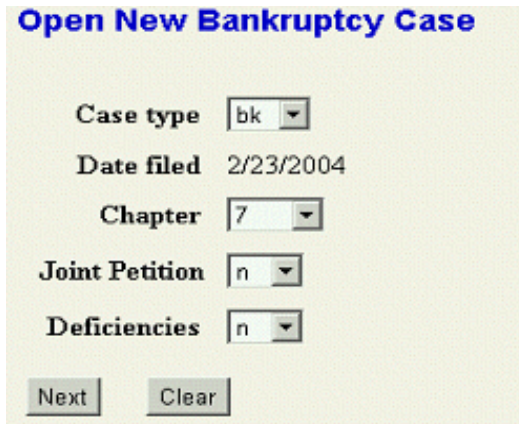
(Updated 5/2/06)

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) requires that new documents be filed in cases in which the petition was filed on or after October 17, 2005. Changes have been made to the Case Opening process in CM/ECF and additional docket entries have been added to the list of filings for the new documents required.

When opening a case and filing a petition, you will be required to pay the filing fee online with a credit/debit card. (To file a petition where the debtor is applying to waive the filing fee or pay the filing fee in installments, see Attorney Filing Fee Installment and Filing Fee Waiver Instructions, attached.) All voluntary and involuntary petitions may be filed.

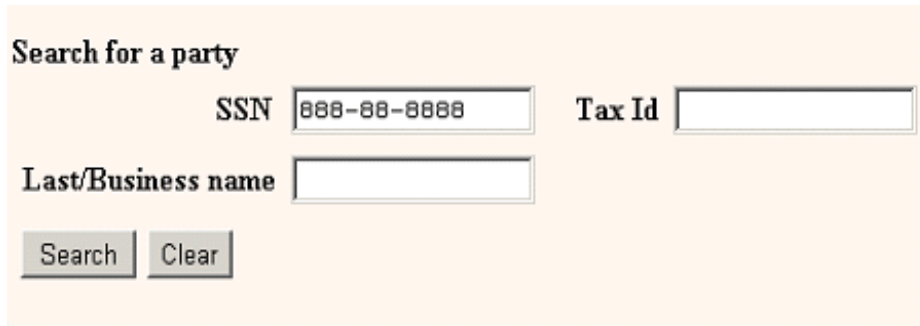
If you are using the one button filing features of Best Case or Bankruptcy 2004, after you have filed the case or cases, go to step 17 below to use the Judge/Trustee Assignment process. If your bankruptcy software does not have a one button filing feature, you will need to open the case as part of the filing of the petition.

1. Under the Bankruptcy Events Menu select Open a BK Case. Select the correct chapter. If filing a joint petition, change Joint Petition to y. If you are not filing all the required schedules and statements, and if a Chapter 13, the plan, with the petition then change Deficiencies to y. If filing all required schedules and statements and the plan, if a Chapter 13 case, leave Deficiencies at n.



The screenshot shows a web form titled "Open New Bankruptcy Case" in blue text. The form has a light beige background. It contains several fields with dropdown menus: "Case type" with "bk" selected, "Date filed" with "2/23/2004" entered, "Chapter" with "7" selected, "Joint Petition" with "n" selected, and "Deficiencies" with "n" selected. At the bottom of the form are two buttons: "Next" and "Clear".

2. Enter the debtor's Social Security number or Tax ID and click on Next.

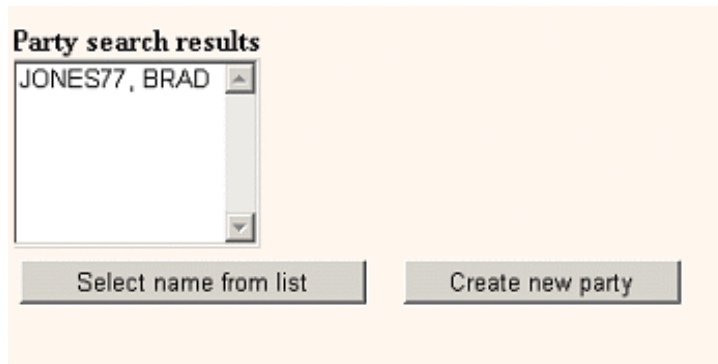


**Search for a party**

SSN  Tax Id

Last/Business name

3. On the next screen, click on Create New Party. If your debtor has previously filed a bankruptcy in the District of Arizona, the debtor's name may appear on the list and you could, instead, select the debtor's name from the list and click on Select Name From List (Use only if the name is exactly the same as the name on the petition you are filing and the address shown in the pop-up is correct). Otherwise Create a new party.



**Party search results**

4. After clicking on Create a New Party, you will receive a Party Information screen. Using all CAPS, complete: Name fields (Generation is used for Sr., Jr., or III), (if a corporation, partnership or LLC, place the entire name in the last name box); Title is not used; SSN (input the complete SSN, only the last 4 digits will be displayed) or Tax ID; Address (do not use the office line); select the proper county (County cannot be left blank, also the county selected will determine which office the case is filed in); leave Country (unless outside USA), Phone, Fax and E-mail fields blank; leave ProSe at no; and you must change Role to Debtor. Leave Party text blank (if filing a corporate case, you would place "an Arizona corporation" in the Party text line instead of including it as part of the name).

**Party Information**

Last name	<input type="text" value="JONES"/>	First name	<input type="text" value="MICHAEL"/>
Middle name	<input type="text" value="R."/>	Generation	<input type="text" value="SR."/> Title <input type="text"/>
SSN	<input type="text" value="111-22-3333"/> <small>222-11-1234</small>	Tax ID	<input type="text"/>
Office	<input type="text"/>	Address 1	<input type="text" value="1234 NORTH 11TH AVENUE"/>
Address 2	<input type="text"/>	Address 3	<input type="text"/>
City	<input type="text" value="PHOENIX"/>	State	<input type="text" value="AZ"/> Zip <input type="text" value="850012"/>
County	<input type="text" value="Maricopa"/>	Country	<input type="text"/>
Phone	<input type="text"/>	Fax	<input type="text"/>
E-mail	<input type="text"/>		
ProSe	<input type="text" value="no"/>	Role	<input type="text" value="Debtor (db:pty)"/>
Party text	<input type="text"/>		

Add all aliases before clicking the Submit button.

- If the debtor has one or more aliases, click on Alias. If no aliases, click on Submit. If you click on Alias, the following screen will appear. Type in the alias and select the type. Then click on Add aliases. You will be returned to the Party Information screen and then click on Submit.

**Alias Information (Party JONES, MICHAEL R.)**

	Last/Business name	First name	Middle name	Generation	Role
1	<input type="text" value="JONES"/>	<input type="text" value="MICKEY"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="aka"/>
2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="aka"/>
3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="aka"/>
4	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="aka"/>
5	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="aka"/>

Click the Add aliases button to return to the Party screen and submit all information for this party.

- The next screen will display the office where the case will be filed and is based on the county that was selected previously.

Divisional Office is set to **Phoenix** based on the county code **04013** of the debtor

Next

Clear

7. If filing a joint case, you will receive another screen as shown in step 2 above and you will need to repeat steps 2 through 5.

**Search for a party(joint debtor)**

SSN

Tax Id

Last/Business name

JONES

Search

Clear

End party selection

8. You will next be prompted to enter the following data: Type of debtor which is defaulted to Individual, un-click Individual and click on another type if filing one of those other types; leave Fee status at Paid (your credit card will be charged, see below if applying for a waiver or paying in installments); if debtor is engaged in a business, change Nature of debt to business; change voluntary to involuntary only if you are filing an involuntary petition; leave Origin at Zero, leave Date split/transfer blank; if filing a Chapter 7 leave Asset notice at No, if filing a Chapter 11,12 or 13, change Asset notice to Yes (Do not select Unknown); and then select the number of creditors, assets and liabilities as listed on the petition. Then click on Next.

Type of debtor ☒ Individual ☐ Corporation (includes LLC & LLP) ☐ Clearing Bank ☐ Commodity Broker ☐ Single Asset Real Estate  
☐ Partnership ☐ Stockbroker ☐ Railroad ☐ Health Care Business ☐ Other

Fee status Paid

Nature of debt consumer

Voluntary voluntary

Origin Zero

Date split/transfer

Asset notice No

Estimated number of creditors 1 - 49

Estimated assets \$100,001-\$500,000

Estimated debts \$100,001-\$500,000

Next

Clear

The new petition form contains both debtor type and nature of business selections.

Type of Debtor (Form of Organization) (Check one box.)	Nature of Business (Check all applicable boxes.)
<input type="checkbox"/> Individual (includes Joint Debtors)	<input type="checkbox"/> Health Care Business
<input type="checkbox"/> Corporation (includes LLC and LLP)	<input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
<input type="checkbox"/> Partnership	<input type="checkbox"/> Railroad
<input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and provide the information requested below.)	<input type="checkbox"/> Stockbroker
State type of entity: _____	<input type="checkbox"/> Commodity Broker
_____	<input type="checkbox"/> Clearing Bank
	<input type="checkbox"/> Nonprofit Organization qualified under 15 U.S.C. § 501(c)(3)

For type of debtor, you should select individual, corporation (includes LLC or LLP), partnership or other, then, for a business, you would also check the same box that was checked on the petition. For example, if filing a corporate case where the debtor operates a health care business, both boxes would be checked.

Type of debtor	<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation (includes LLC & LLP)	<input type="checkbox"/> Clearing Bank	<input type="checkbox"/> Commodity Broker	<input type="checkbox"/> Single Asset Real Estate
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Stockbroker	<input type="checkbox"/> Railroad	<input checked="" type="checkbox"/> Health Care Business	<input type="checkbox"/> Other

9. If you are not filing all the listed required documents with the petition, you should have marked the deficiencies, y, on the first screen and then check those documents that are not being filed with the petition.

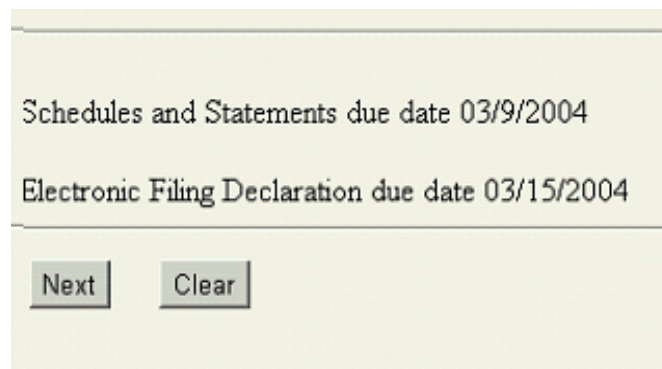
Case type	<input type="text" value="bk"/>
Date filed	9/20/2005
Chapter	<input type="text" value="7"/>
Joint Petition	<input type="text" value="n"/>
Deficiencies	<input type="text" value="y"/>
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

<b>Deficiency List</b>	
<i>Check item(s) NOT included in the petition</i>	
<input checked="" type="checkbox"/>	Schedules A-J
<input checked="" type="checkbox"/>	Statement of Financial Affairs
<input checked="" type="checkbox"/>	Attorney Disclosure Statement
<input checked="" type="checkbox"/>	Chapter 13 Plan
<input checked="" type="checkbox"/>	Stmnt of Current Monthly Income
<input checked="" type="checkbox"/>	Payment Advices Delcaration
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

Please note that there are two new required documents that, if not filed with the petition, must be filed within 15 days: the Chapter 7 Individual Debtor Statement of Current Monthly Income and Means Test, the Chapter 11 Individual Debtor Statement of Current Monthly Income, or the Chapter 13 Debtor Statement of Current Monthly Income (all here listed as Stmnt of Current Monthly Income); and the Payment Advices (by General Order, a Declaration will be required to be filed with copies of any Payment Advices attached.

Also please note that the Mailing List and Credit Counseling Certificate are not included in this list because you do not have 15 days to file or upload these two items. If the creditor list is not uploaded on the date the petition is filed, it must be uploaded no later than 5 calendar days from the date of the filing of the petition or the case will be dismissed. The new law requires the clerk, in certain instances, to give notice to all creditors within ten days of the date of the filing of the petition. (Local Bankruptcy Rule 1007(1)(b) never provided for a ten day grace period to file the mailing list, it provided that a mailing list shall be filed with the petition and if it was filed in an improper format, then the debtor had ten days to submit a mailing list in the proper format. This rule will be amended to provide for 5 calendar days to re-file the mailing list in a proper format.) Interim Bankruptcy Rule 1007(c) requires that the credit counseling certificate, certificate of exigent circumstances or application to waive requirement be filed with the petition. If it is not filed on the date the petition is filed, it must be filed within 5 days or the case may be dismissed.

10. The next screen will allow you to upload the PDF documents for the petition and any lists, schedules and statements, if filed with the petition. If filing a chapter 13 case and the plan is ready to be filed, do not include the plan as part of the petition filing. The plan is to be filed as a separate entry.
11. The next screen will tell you the due dates for any missing documents and for the filing of the ECF Declaration. Click on Next.



Schedules and Statements due date 03/9/2004

Electronic Filing Declaration due date 03/15/2004

Next Clear

12. The following new screen will prompt you to select yes, no or unknown to the question of whether a Presumption of Abuse Arises. If you are filing the Chapter 7 Individual Debtor Statement of Current Monthly Income and Means Test with the petition, then you would select yes or no as marked on that statement. If you are not filing that Statement with the petition, but will be filing it within 15 days, then you may select unknown. If yes is selected, the meeting of creditors notice will state: *the presumption of abuse arises*. If no is selected, the creditors meeting notice will state: *the presumption of abuse does not arise*. If unknown is selected, the notice will state: *Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.*

Presumption Arises

no  
yes  
unknown

Next Clear

If you have selected unknown, when you do later file the Statement of Current Monthly Income and Means Test, there will be two filing entries to choose from depending on whether the statement you are filing is marked Presumption arises or Presumption does not arise. You need to file the statement using the correct entry so that the proper notice can be given.

Chapter 7 Individual Debtor Statement of Monthly Income and Means Test  
(Presumption arises)

**OR**

Chapter 7 Individual Debtor Statement of Monthly Income and Means Test  
(Presumption does not arise).

13. The next screen will display the required filing fee. Click Next.

Open New Bankruptcy Case

Fee: \$299

Next Clear

14. Click on Next again and you will receive the final docket text. You are not able to modify the docket text. The docket entry will show the due dates for all the missing documents. Click on Next.

**Docket Text: Final Text**

Chapter 7 Voluntary Petition, Mailing List, Schedules and Statements (except for those listed below). Electronic Filing Declaration due 3/15/2004, Schedules A-J due 3/9/2004, Statement of Financial Affairs due 3/9/2004, Attorney Disclosure Statement due 3/9/2004, filed by Sue Test of (Non-Existant Attorney) on behalf of MICHAEL R. JONES SR., NORAH S. JONES (Test, Sue)

**Warning!!** Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Next Clear

15. The filing of the petition and any included schedules and statements is now done and the next screen is your filing receipt which will show you the case number assigned.

[Notice of Bankruptcy Case Filing](#)

The following transaction was received from Test, Sue entered on 2/23/2004 at 11:37 AM AZ and filed on 2/23/2004

Case Name: MICHAEL R. JONES and NORAH S. JONES

Case Number: [2:04-bk-00151](#)

Document Number: [1](#)

16. The next step is to use the Creditor Maintenance option under the Bankruptcy Events Menu to upload the creditors as this was not done as part of the filing of the case. (The one button filing features of Best Case and Bankruptcy 2004 will upload the creditors as part of the bankruptcy filing, saving you this step.) If the mailing list of creditors is not uploaded on the date the petition is filed, it must be uploaded no later than 5 calendar days from the date of the filing of the petition. If not uploaded within 5 calendar days, the case may be dismissed pursuant to Local Rules 1007-1 and 1017-2 as amended for cases filed under the new Act.

**Bankruptcy Events**

[Answer/Response/Objection...](#)

[Appeal](#)

[Claim Actions](#)

[Creditor Maintenance...](#)

[File Claims](#)

[Motions/Applications](#)

[Notices](#)

[Open a BK Case](#)

[Other](#)

[Plan](#)

[Trustee/US Trustee](#)

[Judge/Trustee Assignment](#)

[Order Upload](#)

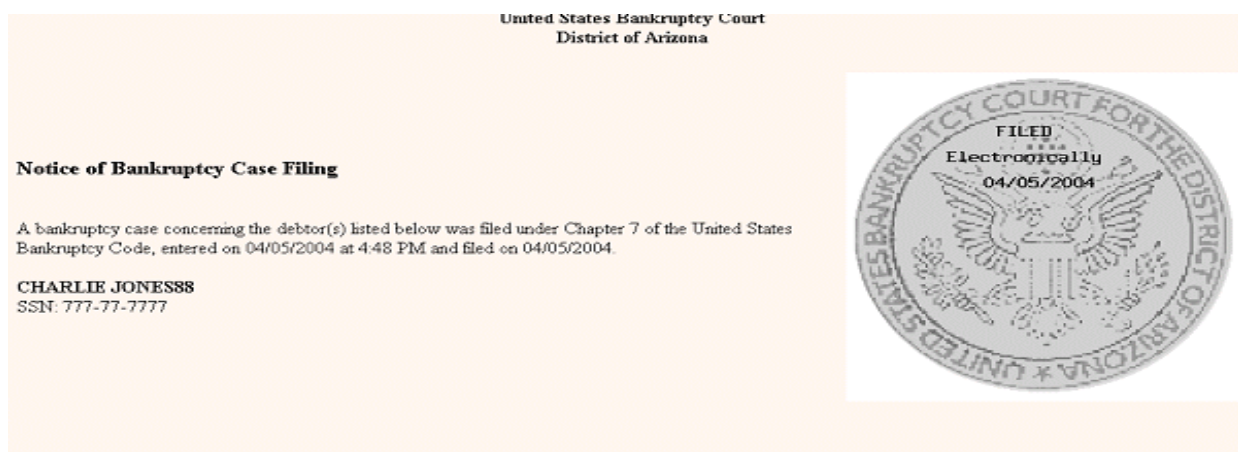
17. If you are filing more than one case, you will want to file all your cases and upload the mailing lists before going to the Judge/Trustee Assignment option on the above menu. While you may run the Judge/Trustee Assignment feature after filing each case, any batch filing permitted by the US Trustee will not then be obtained. After the Judge/Trustee Assignment option runs, you will receive the following screen which will display the judge(s) and trustee(s) assigned to the case(s) you filed.

341 Judge And Trustee					
Case	Case Title	Chapter	341 Meeting	Judge Name	Trustee Name
4-151	MICHAEL R. JONES and NORAHS S. JONES	7	First Meeting of Creditors scheduled for 04/05/2004 at 09:00 AM at U.S. Trustee Meeting Room, 2929 N. Central Ave., Suite 820, Phoenix, AZ (341-PHX). Objections for Discharge due by 06/04/2004. (Test, Sue)	Nielsen,GeorgeB.	MANN,DIANEM.

18. If you have filed a Chapter 13 case and the plan is ready to file, the plan will be filed as a separate entry, using the Plan option from the Bankruptcy Events Menu.
19. If you need proof of the filing to provide a creditor, you can obtain a Notice of Bankruptcy Case Filing. Run a Query using the case number assigned and click on Notice of Bankruptcy Case Filing.



You will then receive the following Notice with the court seal that contains the filing information and can be sent to the creditor as proof of the bankruptcy filing.



## FILING FEE CHANGES

The petition filing fees effective 4/9/06 are as follows:

Chapter 7	299.00
Chapter 13	274.00
Chapter 12	239.00
Chapter 11	1039.00
Chapter 15	1039.00
(Foreign proceeding, replaces Section 304 petition)	

If you are filing an application to pay the filing fee in installments or an application to waive the Chapter 7 filing fee, then follow the separate 10/17/2005 Attorney Filing Fee Installment and Filing Fee Waiver Instructions.

Conversion Filing Fees for conversions that occur on 4/9/06 or later are as follows:

Conversion from any chapter to Chapter 7	15.00
Conversion from Chapter 7 to Chapter 11	755.00
Conversion from Chapter 13 to Chapter 11	765.00

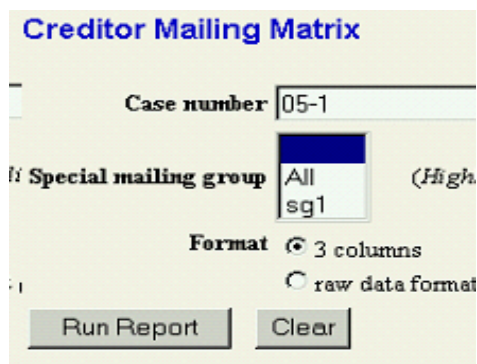
The Reopen filing fees also change as follows (these new fees are effective to all motions to reopen filed on or after 10/17/2005, even though the case being reopened was filed prior to 10/17/2005).

Chapter 7	220.00
Chapter 13	150.00
Chapter 12	200.00
Chapter 11	1000.00

The adversary filing fee increased to \$250.00 effective with complaints or removals filed 9/20/2005.

## CREDITOR MAILING MATRIX

The creditor mailing matrix will now be available in a 3 column format.



The screenshot shows a web form titled "Creditor Mailing Matrix". It contains the following fields and options:

- Case number:** A text input field containing "05-1".
- Special mailing group:** A dropdown menu with "All" and "sg1" visible. To its right is the text "(High)".
- Format:** Two radio button options: "3 columns" (which is selected) and "raw data format".
- Buttons:** "Run Report" and "Clear".

11 USC Section 3429(f), a new provision added by the Act, provides that an entity may file with any bankruptcy court a notice of address to be used, by all bankruptcy courts or by only particular bankruptcy courts, as specified by the entity, to provide notice to the entity in all Chapter 7 and 13 cases. Creditors will be directed to file such notices directly with the Bankruptcy Noticing Center (BNC) and any such notices filed with the bankruptcy court will be forwarded to the BNC for processing.

The BNC will maintain these preferred addresses in a central data base. If you need to send a notice to creditors in a case, when you generate a Creditor Mailing Matrix as shown above, our ECF system will link to the BNC database and if any of the creditors in the case have a preferred address in the BNC data base, the preferred address will be substituted for the address in our ECF system. The mailing list you receive when the report is generated will contain the BNC preferred address instead of the address that is listed in the ECF system. This preferred address will not replace the address listed in ECF, it will only be substituted for the ECF address on the mailing list generated.

The three column mailing list generated will look like the following. While the court's address will be listed, please do not mail a paper copy to the bankruptcy court.

Label Matrix for local noticing 1111-2 Case 2:05-bk-00001-CGC District of Arizona Phoenix Tue Sep 27 15:30:51 MST 2005	U.S. Bankruptcy Court, Arizona 220 North First Avenue, Suite 101 Phoenix, AZ 85003-1727	ABC BANK PO BOX 12345 PHOENIX AZ 85001
DAVID A. BIRDSELL 214 N. CENTER MESA, AZ 85201	INNO PITIPUL 444 ANGEL WAY AZO, AZ 99999	TONI ATTORNEY CHRISTENSEN, ATTORNEY, BENTON 22255 WEST FIFTH AZO, AZ 95059